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c 328 Separate Schools Act

Ontario

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CHAPTER 328.

The Separate Schools Act.

PART I.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

1. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for Protestants. R.S.O. 1914, c. 270, s. 2.

Conditions on which separate schools may be established.

Protestants.

2. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. R.S.O. 1914, c. 270, s. 3.

Coloured people.

3. In a township the council shall prescribe the location of the school or schools authorized to be established under the next preceding two sections. R.S.O. 1914, c. 270, s. 4.

Location.

4. No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house. R.S.O. 1914, c. 270, s. 5.

Who may be supporter of school for coloured people.

5. There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 26. R.S.O. 1914, c. 270, s. 6.

Election of trustees.

6. On the 25th day of December next following the date of the application mentioned in sections 1 and 2, the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. R.S.O. 1914, c. 270, s. 7.

Commencement and regulations.

Voters
defined.

7. None but coloured people shall vote at the election of trustees of a separate school established for coloured people; and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. R.S.O. 1914, c. 270, s. 8.

Union of
wards in
cities and
towns.

8. In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. R.S.O. 1914, c. 270, s. 9.

Restriction
upon estab-
lishment of
Protestant
school.

9. No Protestant separate school shall be established in any school section except when the teacher of the public school in such section is a Roman Catholic. R.S.O. 1914, c. 270, s. 10.

Exemption
from public
school rates.

10.—(1) In a city, town, village or township public school section in which a separate school exists, every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of such school, shall be exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school.

Exemption
conditional.

(2) Such exemption shall not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of the separate school. R.S.O. 1914, c. 270, s. 11.

Not to share.

11. Separate schools shall not share in money raised by local municipal assessment for public school purposes. R.S.O. 1914, c. 270, s. 12.

Share of
legislative
grant.

12. Every separate school shall share in the legislative public school grants in like manner as a public school. R.S.O. 1914, c. 270, s. 13.

Half-yearly
return to
inspector.

13.—(1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of such separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period.

(2) The inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.

Inspector to report to clerk.

(3) Except for a rate for building school-houses undertaken before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate, and the board of trustees shall not include in their school rolls any person whose name appears upon the last mentioned return.

Exemption of supporters of separate schools from rates.

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of such roll so far as it relates to their school section. R.S.O. 1914, c. 270, s. 14.

Use of assessor's roll by board.

14. Sections 27 to 48, 50 to 53 and 89 shall apply to the trustees and teachers of such separate schools. R.S.O. 1914, c. 270, s. 15.

Application of ss. 27 to 48, 50 to 53 and 89.

15. The trustees of a separate school shall be a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of _____ in the Township (City, Town or Village, *as the case may be*), of _____," and shall have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 66. R.S.O. 1914, c. 270, s. 16.

Corporate name.

Powers.

PART II.

ROMAN CATHOLIC SEPARATE SCHOOLS.

ESTABLISHMENT.

16. This Part shall apply to separate schools for Roman Catholics now or hereafter established. R.S.O. 1914, c. 270, s. 17.

Application of following part of Act.

17. In this Part,

(a) "Regulations" shall mean regulations made under *The Department of Education Act*;

Interpretation.

"Regulations." Rev. Stat. c. 322.

(b) "Rural school" shall mean separate school for Roman Catholics in a township or in territory without municipal organization;

"Rural School."

"Secretary-treasurer."

(c) "Secretary" or "Treasurer" shall include a secretary-treasurer;

"Separate School."

(d) "Separate school" shall mean separate school for Roman Catholics;

"Urban School."

(e) "Urban school" shall mean separate school for Roman Catholics in a city, town or village. R.S.O. 1914, c. 270, s. 18.

Meeting to establish a separate school.

18. Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1914, c. 270, s. 19.

Election of trustees.

19. A majority of the persons present, being householders or freeholders, and Roman Catholics, may at such meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1914, c. 270, s. 20.

Notice of meeting; and to whom given.

20.—(1) Notice in writing that such meeting has been held, and of such election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees.

Notification of result to Department.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the same so endorsed and duly certified by him to such trustee, who shall forthwith transmit the same and a copy of the minutes of the meeting and of the notice calling it to the Department of Education.

Corporate name of trustees.

(3) From and after the delivery of the notice to such officer the trustees therein named shall be a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, *as the case may be*) of " and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number , in the Township of ." R.S.O. 1914, c. 270, s. 21.

SCHOOL BOARDS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Meeting for purpose of electing trustees.

21.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of

their number as school trustees, and the trustees so elected shall have all the powers of public school boards in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

(2) On receipt of notice by the Department of Education, signed by the trustees so elected, that a school has been established and suitable accommodation provided for school purposes the Minister of Education may pay to the board out of the appropriation made by this Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant-Governor in Council. Legislative grants.

(3) The board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums which the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to such collector at the rate of not less than five nor more than ten per centum on the money collected by him; and every collector shall give such security as may be required by the board. Appointment of collector.

(4) Every collector shall have the same powers in collecting the school rate, rate-bill or subscription and shall be under the same liabilities and obligations and proceed in the same manner as a township collector in collecting rates in a township. R.S.O. 1914, c. 270, s. 22. Powers and duties of collectors.

RURAL SEPARATE SCHOOLS.

Meetings of Supporters and Elections.

22. For every rural school there shall be three trustees each of whom, after the first election, shall hold office for three years and until his successor has been elected. R.S.O. 1914, c. 270, s. 23. Trustees' term of office.

23.—(1) The trustees elected at the first meeting shall hold office, Retirement by rotation.

(a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;

(b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;

(c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

Vacancies.

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Resignations.

(3) A trustee may resign with the consent in writing of the other trustees.

Re-election.

(4) A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R.S.O. 1914, c. 270, s. 24.

Trustees' qualification.

24. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he is or is not a householder or freeholder. R.S.O. 1914, c. 270, s. 25.

Electors, qualification of.

25. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of such school. R.S.O. 1914, c. 270, s. 26.

Annual meeting, when held.

26.—(1) A meeting of the supporters of the school shall be held annually on the last Wednesday of December, or if that day is a holiday on the next day following, commencing at ten o'clock in the forenoon, or if the board by resolution so directs at seven o'clock in the afternoon, for the purpose, among other things, of electing a school trustee or trustees.

Organization of meeting.

(2) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

Order of business.

(3) The business of the meeting may be conducted in the following order,—

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) electing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business.

Chairman, duties of.

(4) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman shall not be entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record as herein directed the names of all qualified supporters of the school who present themselves within the prescribed time, and shall enter in the poll book, at the head of separate columns, the names of the candidates proposed and seconded, and opposite to such columns shall write the names and residences of the supporters offering to vote, and shall, in the column in which is entered the name of a candidate voted for, set the figure "1" opposite the voter's name.

Granting poll and proceedings in case of a poll.

(6) Where a poll is demanded upon a school question by any two supporters the name of each supporter shall be similarly placed opposite separate columns marked "for" or "against."

Entries in poll-book.

(7) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration:

When voter is objected to.

I, A.B., declare

Declaration by voter.

- (a) That I am an assessed householder or freeholder in School Section No. —;
- (b) That I am of the full age of twenty-one years;
- (c) That I am a supporter of the Roman Catholic Separate School in said School Section No —;
- (d) That as such supporter I have the right to vote at this meeting,

whereupon the person making such declaration shall be entitled to vote.

(8) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

When poll shall close.

(9) When the meeting is held at seven o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Polling at afternoon meetings.

(10) A correct copy of the minutes of every meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the Department of Education.

Transmitting minutes to Department.

Meetings to be called in default of first or annual meetings.

(11) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days' notice posted up in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R.S.O. 1914, c. 270, s. 27.

Organization of Board.

Organization and quorum.

27. A majority of the trustees shall form a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1914, c. 270, s. 28.

Regularity.

28. No act or proceeding shall be valid which is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1914, c. 270, s. 29.

Duties of Secretary.

Duties of secretary.

29. It shall be the duty of the secretary to

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the trustees, and see that the minutes, when confirmed, are signed by the chairman or presiding trustee;
- (b) call, at the request in writing of two trustees, a special meeting of the board;
- (c) give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1914, c. 270, s. 30.

Duties of Treasurer.

Duties of Treasurer.

30. It shall be the duty of the treasurer to

- (a) receive all school money collected from the supporters of the school and account for the same;
- (b) disburse all such money in the manner directed by the board;
- (c) produce all papers and money belonging to the corporation whenever called upon to do so by the board, the auditors or other competent authority, and afford to the auditors all the information in his power as to the receipt and expenditure of school money. R.S.O. 1914, c. 270, s. 31.

Appointment of Auditor by Minister.

31. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1914, c. 270, s. 32.

Appointment
of auditor by
Minister.

Union Boards.

32.—(1) The majority of the supporters of each of the separate schools situate in two or more public school sections, whether in the same or in adjoining municipalities, at a public meeting duly called by the board of each separate school may form a union separate school of which union the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities and to the Minister of Education, and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees to be elected by the supporters of the union separate school as provided by section 26.

What unions
may be
formed.

(2) The trustees shall be a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate Schools for the United Sections numbers in the ." R.S.O. 1914, c. 270, s. 33.

Corporate
name.

School Sites.

33.—(1) The board shall have power to select a site for a new school-house or to agree upon a change of site for an existing school-house, and shall forthwith call a special meeting of the supporters of the school to consider the site selected; and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Selection
and change
of school
site.

(2) If a majority of the supporters present at such special meeting differ as to the suitability of the site selected each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Arbitration
when trustees
and
ratepayers
differ as to
site.

Award.

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award,

Reconsidera-
tion of
award.

or the previous one if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1914, c. 270, s. 34.

Separation.

Establishment of separate school in a portion of rural section.

34.—(1) Where a separate school has been established in a public school section which includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in such township or portion of a township petition the board of such separate school to notify the inspector of separate schools that the separate school supporters in such township or portion of a township are desirous of establishing a separate school therein, the inspector may signify in writing to the board his approval of the establishment of such separate school; and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Part.

Arbitration.

(2) The inspector and two other persons, one of whom shall be chosen by the separate school board of such urban municipality and the other by the board of the separate school so established in such township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of such urban municipality and the board of such rural separate school respectively, and shall adjust all matters consequent upon such separation, and the award of such arbitrators shall be final and binding.

Property liable for debentures.

(3) Nothing in this section shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of such township separate school. R.S.O. 1914, c. 270, s. 35.

URBAN BOARDS.

Trustees and Tenure of Office.

Trustees in city, etc., divided into wards.

35.—(1) For every ward into which a city or town is divided there shall be two trustees each of whom, after the first election, shall continue in office for two years.

Retirement by rotation.

(2) One of the trustees in each ward chosen at the first election, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other shall continue in office one year longer. R.S.O. 1914, c. 270, s. 36.

(3) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

Number of trustees may be limited to six by resolution.

(4) When such resolution has been adopted the election shall thereafter be by vote of the separate school ratepayers of the whole municipality.

Effect of adoption of resolution.

(5) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the separate school ratepayers of the whole municipality to fill the place of the same number retiring by rotation. 1922, c. 99, s. 2.

Retirement.

36.—(1) In every village there shall be six trustees, each of whom, after the first election, shall continue in office for two years.

Trustees in village.

(2) Three of the trustees chosen at the first election to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other three shall continue in office one year longer. R.S.O. 1914, c. 270, s. 37.

Retirement by rotation.

37. A trustee shall continue in office until his successor has been elected. R.S.O. 1914, c. 270, s. 38.

Term of office.

Election of Trustees.

38.—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually, or if that day is a holiday on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days' notice of the meeting.

Nominations.

(2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer a chairman chosen by the meeting shall preside.

Returning officer.

(3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify

Proceedings at nominations.

the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of such office is demanded by any candidate or school supporter the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as shall be determined by resolution of the board.

Hours of
polling.

(4) The polls shall be opened at ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, and a poll may close at any time after eleven o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Place for
nomination
and election.

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.

Duty of re-
turning officer
after close of
election.

(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of
secretary.

(7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes.

Casting
vote.

(8) If two or more candidates have an equal number of votes at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election.

Voting to
be open.

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 39.

Furnishing
voters' list
in cities and
towns
divided into
wards.

(10) In a city or town divided into wards the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward annexing thereto a list of the names of all supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income rated upon the then last revised assessment roll and not being already upon the voters' list.

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village, as provided by the next preceding subsection.

Furnishing voters' list in towns not divided into wards, and in villages.

(12) The board shall provide every polling place with such lists and with a poll book.

For each polling place.

(13) At every election at which a poll is demanded the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against."

Entries in poll book.

(14) If an objection is taken to the right of any person to vote the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 7 of section 26.

Declaration by voters.

(15) Where a school supporter resides without the municipality in which the school is situate he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence. R.S.O. 1914, c. 270, s. 39.

Where non-resident is to vote.

39.—(1) The board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the election of members of the board to be by ballot and to be held on the days on which the annual municipal elections are held.

Adoption of ballot.

(2) The board may in like manner discontinue the use of the ballot, and thereafter elections shall be conducted as provided by section 38.

Discontinuance.

(3) Where the board requires the voting to be by ballot and elections are so held no change shall be made in the mode of voting for a period of three years, and if the mode of voting by ballot is discontinued the provisions of section 38 shall apply for a period of three years at least after such discontinuance. R.S.O. 1914, c. 270, s. 40.

Ballot not to be discontinued or resumed for three years after the change.

40. Where the voting is to be by ballot the provisions of *The Municipal Act* for and relating to holding the annual municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, shall apply *mutatis mutandis*, except that

Municipal Act to apply. Rev. Stat. c. 233.

Form of
oath.

(a) the oath to be taken by a voter shall be:

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);
That you are a ratepayer;
That you are of the full age of twenty-one years;
That you are a Roman Catholic Separate School supporter;
That you have not voted before at this election;
That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;
That you have not received anything, nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;
That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;
So help you God;

Casting
vote.

(b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election;

Duties of
secretary.

(c) the duties to be performed by the clerk shall be performed by the secretary; and
(d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1914, c. 270, s. 41.

Irregularities not to void Elections.

No election
to be invalid
for want of
compliance
with prin-
ciples of Act
where result
not affected.

41. No election shall be invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1914, c. 270, s. 42.

Controverted Elections.

Investigation
of complaints
by judge.

42.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after such

election, shall receive and investigate such complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

(2) The judge may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected. Powers of judge.

(3) The judge may order a person found by him not to have been duly elected to be removed; and if the judge determines that any other person was duly elected he may order him to be admitted; and if he determines that no other person was duly elected instead of the person removed he shall order a new election to be held and shall report such decision to the secretary of the board. Order of judge.

(4) The provisions of *The Municipal Act* as to bribery and undue influence shall apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1914, c. 270, s. 43. Bribery and undue influence. Rev. Stat. c 233.

MEETINGS OF THE BOARD.

43.—(1) At the first meeting in each year the secretary shall preside or, if there is no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. Chairman at first meeting.

(2) In case of an equality of votes at the election of chairman the member present who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. Casting vote.

(3) Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board. Subsequent meetings.

(4) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. Special meetings.

(5) The chairman shall preside or, in his absence, any member appointed to act as chairman by the majority of those present, and the chairman or member so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Presiding officer. Equality of votes.

Quorum.

(6) A majority of the members of the board shall constitute a quorum, but for the purposes of subsection 8 of section 38 a majority of the trustees remaining in office shall constitute a quorum. R.S.O. 1914, c. 270, s. 44.

DUTIES AND POWERS OF TRUSTEES.

Duties of board.

44. It shall be the duty of every board and it shall have power to

Appointment of officers.

(a) appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate bills;

(i) the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, be subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;

Appoint auditors.

(b) appoint annually on or before the 1st day of December an auditor or auditors;

Accounts.

(c) lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and afford the auditors all the information in its power as to the receipt and expenditure of school money;

To provide accommodation and teachers.

(d) provide adequate accommodation and legally qualified teachers, according to the provisions of this Act and the regulations, for all children between the ages of five and twenty-one years of the supporters of the schools under the control of the board according to the annual enumeration of the assessors for the next preceding year;

To provide and maintain school premises.

(e) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition;

Collection of rates.

(f) where the board does not appoint a collector, apply to the municipal council, on or before the 1st day of August in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums;

Notice of names and addresses.

(g) give notice in writing, before the 15th day of January in each year, to the Department of Education of

the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein ;

- (h) give orders on the treasurer of the board for all money to be expended for school purposes ; Orders for money expended.
- (i) exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person ; and give notice of such exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of August ; Exemptions and notice thereof.
- (j) dismiss from a school any pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to other pupils, and, where practicable, remove such pupil to an industrial school ; Dismissal of refractory pupils.
- (k) take possession and have the custody and safe keeping of all school property acquired or given for school purposes ; and acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received ; and dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and convey the same and apply the proceeds thereof to school purposes or as provided by this Act ; Possession and custody of property.
- (l) prepare and transmit annually, before the 15th day of January, to the Minister of Education, in the prescribed form, a report signed by the chairman containing all information required by the regulations ; Annual report.
- (m) exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act ; Other powers and duties
- (n) see that every school under its charge is conducted according to this Act and the regulations, and provide school registers and a visitors' book in the prescribed form ; Supervision.
- (o) at its discretion pay the travelling expenses of any member of the board or of any teacher in its employment incurred in attending meetings of the Travelling expenses attending teachers' association.

Ontario Educational Association or other like association of teachers in Ontario;

Determine number and kind of schools, etc.

In the case of an urban board,

- (p) determine the number, kind, grade and description of schools to be established and maintained, the teachers to be employed, the terms on which they are to be employed, the amount of their remuneration and the duties which they are to perform;

To appoint a committee for each school.

- (q) appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and see that all the schools under its charge are conducted according to the regulations;

Books and school supplies.

- (r) collect, at its discretion, from the parents or guardians of children attending any school under its charge a sum not exceeding twenty cents per month per pupil to defray the cost of textbooks, stationery and other contingencies, and see that all the pupils are duly supplied with a uniform series of textbooks;

Cadet corps and athletics.

- (s) expend such sums as it may deem expedient for establishing and maintaining cadet corps and for promoting and encouraging gymnastic or other athletic exercises not exceeding \$200 per annum where the annual registered attendance of pupils does not exceed 3,000, and \$50 additional for each additional 1,000, and provide uniforms for classes in military drill;

In the case of a rural board,

Time and place of meetings.

- (t) appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for

(i) filling any vacancy in the board,

(ii) the selection of a new school site,

(iii) the appointment of a school auditor, or

(iv) any other school purpose, and cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

Payment of salaries.

- (u) arrange for the payment of teachers' salaries quarterly and, if necessary, borrow on its promissory note, under the seal of the corporation, at interest

not exceeding eight per centum per annum, the money required for that purpose until the taxes are collected;

- (v) cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors; Annual report.
- (w) ascertain and report to the Minister of Education, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind; R.S.O. 1914, c. 270, s. 45. Report on blind, deaf and dumb.
- (x) If deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and (where a school nurse or medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. 1920, c. 101, s. 1. Providing attendance for minor surgical operations.

VACANCY IN OFFICE OF TRUSTEE.

45.—(1) If a vacancy in the office of trustee occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office. Vacancy in office of trustees.

(2) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and, in the case of an urban board, the board shall give at least six days' notice of the meeting for the nomination of candidates, and, if a poll is demanded, the election shall be held one week from the day of the nomination. R.S.O. 1914, c. 270, s. 46. Proceedings at new election.

TEACHERS.

46. Every agreement between a board and teacher, to be valid and binding, shall be in writing signed by the parties thereto, and sealed with the corporate seal of the board, and may include a stipulation to provide the teacher with board and lodging. R.S.O. 1914, c. 270, s. 47. Valid agreements with teacher.

Duties of teacher.

47. It shall be the duty of every teacher to

Instruction.

- (a) teach diligently and faithfully all the branches required to be taught in the school according to the terms of his agreement with the board and according to the provisions of this Act and the regulations;

Keeping registers.

- (b) keep in the prescribed form the general, entrance, and daily class or other registers of the school, and record therein the admission, promotion, suspension or removal of the pupils;

Order and discipline.

- (c) maintain proper order and discipline in his schools according to the regulations;

Visitors' book.

- (d) keep a visitors' book, which the board shall provide, and enter therein the visits made to his school, and request every visitor to enter therein any remarks suggested by his visit;

Give access to register and visitors' book.

- (e) afford the trustees and visitors access at all times when desired by them to the registers and visitors' book;

Deliver up register and key.

- (f) deliver up the school register, visitors' book, school-house key or other school property in his possession on the demand or order of the board;

- (i) In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the board;

Examinations.

- (g) hold during each term a public examination of his pupils, of which he shall give due notice to the trustees, to any school visitors whose place of residence is adjacent to the school house, and through the pupils to their parents or guardians;

To furnish information to the Minister and inspector.

- (h) furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it is in his power to give respecting anything connected with the operations of his school or in any wise affecting its interest or character;

To prepare reports.

- (i) prepare so far as the school registers supply the information such reports of the board as are required by the regulations. R.S.O. 1914, c. 270, s. 48.

Change of text books.

48. An authorized text book in actual use may be changed by the teacher for any other authorized text book on the same subject with the written approval of the board and subject to the regulations. R.S.O. 1914, c. 270, s. 49.

49. Subject to the provisions of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 52, and the amendments thereto, teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1914, c. 270, s. 50.

Certificates to teachers of separate schools.

50. Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. R.S.O. 1914, c. 270, s. 51.

Proportion of salary to which teacher is entitled.

51. Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may, in any case of sickness, be allowed and extended at the pleasure of the board without a certificate. R.S.O. 1914, c. 270, s. 52.

Case of sickness or dental treatment.

52. If at the expiration of a teacher's engagement his salary has not been paid in full the salary shall continue to run at the rate mentioned in the agreement until paid if an action to recover it is commenced within three months after the salary is due and payable. R.S.O. 1914, c. 270, s. 53.

Protection of teachers in regard to salary.

53.—(1) All matters of difference between a board and a teacher in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, as provided by section 118 of *The Public Schools Act*. R.S.O. 1914, c. 270, s. 54 (1); 1917, c. 27, s. 51.

Provision in case of difference between teacher and trustees.

Rev. Stat. c. 323.

(2) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by section 52 in whole or in part. R.S.O. 1914, c. 270, s. 54 (2).

When judge may relieve board from extra liability.

ASSESSMENTS, BORROWING POWERS AND GRANTS.

54.—(1) Every person paying rates, whether as owner or tenant, who by himself or his agent, on or before the 1st day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto shall be exempt from the payment

Exemption of supporters of separate schools from payment of public school rates on giving certain notice.

of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of a separate school.

No renewal required.

(2) The notice shall not be required to be renewed annually.

Time for giving notice by separate school supporter becoming resident in municipality.

(3) Where an owner or tenant is not, on or before the 1st day of March in any year, a resident of the municipality or rated upon the assessment roll thereof, but subsequently becomes so resident or liable to be so rated before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given shall have the same effect as if given on or before the 1st day of March of the year in which it is given.

Certificate of notice.

(4) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice to the effect that the same has been given and showing the date thereof.

Penalty for wilful false statements in notice.

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from the rates, and in addition shall incur a penalty of \$40.

As to rates imposed before separate school established.

(6) Nothing in this section shall exempt any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school. R.S.O. 1914, c. 270, s. 55.

Residence of supporters of separate schools.

55. Subject to the other provisions of this Part no person shall be deemed a supporter of a separate school unless he resides within three miles in a direct line of the site of the school house. R.S.O. 1914, c. 270, s. 56.

Where separate school supporter resides within three miles of two or more schools.

56.—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools shall be *ipso facto* a supporter of the school nearest by road to his place of residence; but nothing herein shall affect the liabilities or obligations of a separate school supporter for debts incurred before the 7th day of April, 1896, by the board of the school of which he was a supporter.

Saving as to debenture debt.

(2) A supporter of a separate school having a debenture debt shall not be bound to become a supporter of another school while any part of such debt remains unpaid. R.S.O. 1914, c. 270, s. 57.

57. When a supporter of an urban school resides without the municipality in which the school is situate he shall be entitled to vote in the ward or polling subdivision in which the school house nearest to his place of residence is situate if within the distance of three miles in a direct line. R.S.O. 1914, c. 270, s. 58.

Where person residing out of municipality to vote.

58.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he shall be exempt from the payment of separate school taxes or rates in the municipality in which he resides, but shall be liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

Liability of non-resident supporter.

(2) The board of the school of which he is a supporter shall on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school, and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1914, c. 270, s. 59.

How enforceable.

59. Any person who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality may, on giving the notice provided for by *The Assessment Act* that he is the owner of unoccupied land situate in either municipality, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. R.S.O. 1914, c. 270, s. 60.

Right of non-residents to be assessed for separate school.

Rev. Stat. c. 238.

60.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing to the clerk of the municipality before the second Wednesday in January in any year, otherwise he shall be deemed to be a supporter of the school.

Notice of withdrawal of support.

(2) A person who has withdrawn his support from a Roman Catholic separate school shall not be exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support. R.S.O. 1914, c. 270, s. 61.

Exception.

Index book of supporters of separate schools to be kept by clerk.

61.—(1) The clerk of every municipality shall keep entered in an index book, Form A, and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 54, 60, 64 and 65, or by former Acts respecting separate schools.

Entries.

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 60, or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision or by a judge of the county or district court, with the date of such disallowance.

Inspection.

(3) The index book shall be open to inspection by any ratepayer.

Filings.

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

Assessor to be guided by index book.

(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. R.S.O. 1914, c. 270, s. 62.

Correction of mistakes in assessing separate school supporters.

62.—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision or of a judge on appeal.

Liability.

(2) In case of such action by a council the ratepayer shall be liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1914, c. 270, s. 63.

Distinguishing the school rates.

63.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

Idem.

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1914, c. 270, s. 64.

64.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall alter or affect this provision.

Case of owner and occupant.

(2) Where, as between the owner and tenant or occupant the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1914, c. 270, s. 65.

When owner may exercise option.

65.—(1) A corporation by notice, Form B, to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which such corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of such corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of such separate school.

Right of a corporation to support separate schools.

Rev. Stat. c. 238.

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

Duty of assessor.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

How proportions settled.

(4) A notice given in pursuance of a resolution of the directors shall be sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors.

Effect of notice.

Filing
notice.

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

Search for
notices.

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices which may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1914, c. 270, s. 66.

Powers of
trustees.

66.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on
which there
are rates
uncollected.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return.

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection
of rates.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency.

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1914, c. 270, s. 67.

Trustees
may copy
assessment
roll of mun-
cipality.

67. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1914, c. 270, s. 68.

Clerk to give
trustees
annual state-
ment of sup-
porters of
separate
schools.

68. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 54, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1914, c. 270, s. 69.

69.—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of August in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Collection of separate school rates by the municipality.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time thereafter, and not later than the 14th day of December in each year, be paid over to the board without any deduction whatever. R.S.O. 1914, c. 270, s. 70.

Expenses of collection.

70. In a municipality in which the assessment is made under a by-law passed under section 59 of *The Assessment Act* the notices required to be given under subsection 1 of section 54 shall be given on or before the 15th day of July, and the notice required to be given under subsection 1 of section 60 shall be given on or before the fourth Wednesday in May, and the request referred to in section 69 shall, if given, be given at the time mentioned therein or prior thereto if required by the council; and in subsection 3 of section 54 the words "1st day of March," in the second and ninth lines thereof, shall be read "15th day of July." R.S.O. 1914, c. 270, s. 71.

Dates for giving certain notices where taxes collected on assessment of preceding year.

Rev. Stat. c. 238.

71.—(1) A separate school board and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years that for each year of the term and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes the agreement shall not be in force for or apply to such year.

Exception.

(3) The agreement may be determined by either of the parties thereto at the end of any calendar year on giving six months' previous notice to the other party. R.S.O. 1914, c. 270, s. 72.

Termination.

72. The separate school board of a municipality or in a school section or union school section shall have and may exercise the same rights, powers and privileges with respect

Right to establish and maintain continuation schools.

to the establishment and maintenance of continuation schools and shall be subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. R.S.O. 1914, c. 270, s. 73.

County
rate in aid
of schools.

73.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to
raise equivalent
to legislative
grant for
fifth classes.

(2) The council of every county shall levy and collect by an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Apportion-
ment of school
money in
united
counties.

(3) The council of two or more counties united for municipal purposes may apportion the amount to be levied under this section so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county.

Grant for
maintenance
of fifth forms

(4) Where a board establishes and maintains a fifth form in any one of its schools and is entitled under the regulations to share in respect of it in the legislative grant for fifth forms the council of the county in which the school is situate shall pay towards the maintenance of the fifth form a sum at least equal to the share of such legislative grant which the board receives in respect of it, and may contribute for its maintenance such further sum as it may deem expedient.

How appor-
tioned be-
tween coun-
ties.

(5) In the case of a separate school having in attendance children from two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsection 4 which bears the same ratio to the whole sum as the number of children resident in it attending the school, as shown by the school register, bears to the whole number of children in attendance. R.S.O. 1914, c. 270, s. 74.

Sinking funds
for separate
school debentures.

74. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued there-

under, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,—

- (a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 319 of *The Municipal Act*, or Rev. Stat. c. 233.
- (b) be invested in securities of the Province of Ontario, and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys shall have theretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. 1927, c. 88, s. 15.

75.—(1) The board of a separate school may pass by-laws for borrowing money for school purposes and for making mortgages and other instruments for the security and payment thereof, or of money payable or to be paid for school sites, school buildings or additions thereto, or the repairs thereof, upon the school-house property and premises or any other real or personal property vested in the board, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the property or rates shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the money so secured. Borrowing powers of trustees of separate schools.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money which it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in such year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected. Terms of payment.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures; and the debentures shall be a charge on the same property and the rates as in the case of mortgages thereof made by the board. Debentures.

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act. Maturity. Rev. Stat. c. 233.

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition Sinking fund.

to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds. R.S.O. 1914, c. 270, s. 75 (1-5).

Publication
of by-law.

(6) Every such by-law, before being acted upon, shall be published at least for three successive weeks in some public newspaper published weekly or oftener in the city, town or county in which the separate school is situate; and if no application to quash the by-law is made for three months after the publication thereof the by-law shall be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same. R.S.O. 1914, c. 270, s. 75 (6); 1914, c. 2, sched. (37).

Amounts.

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. R.S.O. 1914, c. 270, s. 75 (7).

Right of
separate
schools
to a share
of municipal
grant.

76.—(1) Every separate school shall be entitled to share in all grants, investments and allotments for public school purposes now or hereafter made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

Apportion-
ment.

(2) Where the grant is made by a county council the same shall be apportioned in like manner as the legislative grant.

But not to
any share
of local
assessment
for public
schools.

(3) A separate school shall not be entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1914, c. 270, s. 76.

MISCELLANEOUS.

Visitors of
separate
schools.

77. The Minister of Education, the judges of all courts, members of the assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church shall be visitors of separate schools. R.S.O. 1914, c. 270, s. 77.

Inspection
of schools.

78. The schools with their registers shall be subject to such inspection as may be directed by the Minister of Education and shall be subject also to the regulations. R.S.O. 1914, c. 270, s. 78.

79. The Minister of Education may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1914, c. 270, s. 79.

Model schools for teachers of separate schools.

80. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister of Education, subject to an appeal to the Lieutenant-Governor in Council, whose decision shall be final. R.S.O. 1914, c. 270, s. 80.

Disagreement between trustees, inspectors, etc.

SUPERANNUATION.

81. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund, in such manner as may be prescribed by the regulations, at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. R.S.O. 1914, c. 270, s. 81.

Superannuation fund.

82. On the death of any such teacher or inspector the wife, husband, or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per centum per annum. R.S.O. 1914, c. 270, s. 82.

Repayment to wife, etc., of deceased teacher.

83.—(1) Every such teacher and inspector who while engaged in his profession has contributed to the fund for superannuated teachers as provided by this Act shall on reaching the age of sixty years, if he retires from the profession, receive an allowance at the rate of \$6 per annum for every year of service in Ontario upon furnishing evidence of good moral character, age and length of service.

Allowance upon retirement at sixty years of age.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age, if he has served for a period of thirty years. R.S.O. 1914, c. 270, s. 83.

Or after 30 years' service.

84. Every such teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character and disability. R.S.O. 1914, c. 270, s. 84.

Retirement through disability.

Extra allowance to certain teachers.

85.—(1) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, or who has been a principal of a high school or collegiate institute, shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute.

When allowance to cease.

(2) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. R.S.O. 1914, c. 270, s. 85.

Teacher resuming profession.

86. If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector the payment of his allowance shall be suspended during the time he is so engaged; and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the regulations. R.S.O. 1914, c. 270, s. 86.

Again retiring.

Forfeiture of claim.

87. A teacher or inspector who having resumed his profession wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. R.S.O. 1914, c. 270, s. 87.

Repayment to contributors.

88. A teacher or inspector who retires from the profession or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. R.S.O. 1914, c. 270, s. 88.

Teachers not availing themselves of Act.

89. Where a teacher or inspector does not avail himself of the provisions of section 81 or of section 88, sections 82 to 87 shall apply so far as relates to all sums already paid by them into the superannuation fund. R.S.O. 1914, c. 270, s. 89.

Grant by board to superannuation fund.

90.—(1) Subject to the regulations the separate school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules.

Power of investment.

(2) A separate school board may invest any money received through legacy, gift or otherwise in its hands for the purposes of a superannuation fund and as to such money shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. R.S.O. 1914, c. 270, s. 90.

Rev. Stat., c. 150.

SCHOOL YEAR AND HOLIDAYS.

91.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th of June. R.S.O. 1914, c. 270, s. 91 (1). Terms.

(2) Every day upon which a school is closed under the provisions of *The Public Health Act* or under the regulations of the Department of Education, every Saturday, every public holiday, the week following Easter Day and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday. R.S.O. 1914, c. 270, s. 91 (2); 1919, c. 73, s. 18. Holidays.
Rev. Stat.
c. 262.

(3) With the approval of the inspector the board of a rural school may substitute holidays in some other part of the year for part of the time herein allowed for Easter and Midsummer vacations to suit the convenience of pupils and teachers, but the number of holidays prescribed by subsections 1 and 2 shall be allowed in each year. R.S.O. 1914, c. 270, s. 91 (3). In rural
schools.

PENALTIES AND PROHIBITIONS.

92. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. R.S.O. 1914, c. 270, s. 92. Use of un-
authorized
books.

93. Any person who wilfully makes a false declaration of his right to vote at any school meeting or at an election of school trustees shall incur a penalty of not less than \$5 nor more than \$10. R.S.O. 1914, c. 270, s. 93. False declara-
tion as to right
to vote.

94. A trustee of a separate school shall not be eligible for appointment as separate school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R.S.O. 1914, c. 270, s. 94. Disqualifica-
tion for cer-
tain offices.

95. If a trustee is convicted of any indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to reside within the municipality in case of an urban school, or within three miles of the school in the case of a rural school, he shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant. R.S.O. 1914, c. 270, s. 95. Seat vacated
by conviction
for crime, etc.

Seat vacated
by interest
in contract
with board.

96.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board; and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

When seat
may be
declared
vacant.

(2) On the complaint of two supporters of the school or of the remaining trustee or trustees the judge of the county or district court shall, on proof of the facts, declare the seat vacant, and the remaining trustee or trustees shall forthwith order a new election.

Exception.

(3) Nothing in this section shall prevent a trustee receiving payment for services as a collector or prevent the board from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting of the supporters of the school and duly entered in the minutes.

Newspaper
proprietors
inserting
official
advertisements
not
disqualified.

(4) No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1914, c. 270, s. 96.

Penalty for
disturbing
a school or
school
meeting.

97. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a separate school by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 97.

Refusing
to serve.

Disqualified
person acting.

98. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5. and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. R.S.O. 1914, c. 270, s. 98.

Penalty for
refusal to
perform
duties.

99. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 99.

100. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. R.S.O. 1914, c. 270, s. 100.

Penalty for failing to transmit minutes.

101. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school money, and any school money is forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such money and the same may be recovered by the board or any supporter interested therein in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1914, c. 270, s. 101.

Liability for neglect to take security.

Exception.

102. A secretary or treasurer and a person having been a secretary or treasurer and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for and pay over the same or any part thereof to the person, and in the manner directed by the board or by other competent authority. R.S.O. 1914, c. 270, s. 102.

Secretary, treasurer or trustee refusing to deliver up books and money.

103.—(1) Upon application to a judge of the county or district court by the board or by any two supporters of the school, supported by affidavit, showing such wrongful withholding or refusal the judge may summon such secretary, treasurer, trustee, or person to appear before him at a time and place appointed by him.

Summons for appearance.

(2) Any bailiff of a division court, upon being requested so to do, shall serve the summons or a true copy thereof on the person complained against personally or by leaving the same with a grown-up person at his residence.

Service of summons.

(3) At the time and place so appointed the judge, being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint; and if he is of opinion that it is well founded the judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Order to account, etc.

(4) In the event of non-compliance with the order the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which

Effect of non-compliance with judge's order.

he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge upon compliance.

(5) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge upon terms.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just.

Other remedy not affected.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. R.S.O. 1914, c. 270, s. 103.

Penalty on trustees refusing information, etc., to auditors.

104. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 104.

Penalty for delaying yearly report.

105. If a board neglects to transmit its annual report to the Minister in accordance with clause 1 of section 44 each of them shall for every week during which the default continues and until such report is transmitted incur a penalty of \$5. R.S.O. 1914, c. 270, s. 105.

Penalty for false school reports and registers.

106. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall for every offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 270, s. 106.

Personal responsibility for money lost.

107.—(1) The trustees of every separate school shall be personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Collection and application.

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. R.S.O. 1914, c. 270, s. 107.

Recovery and application of penalties. Rev. Stat. c. 121.

108. Except as otherwise provided the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and shall be applied to

such separate school purposes as the Minister may direct.
R.S.O. 1914, c. 270, s. 108.

FORM A.

FORM OF INDEX BOOK.

(Section 61.)

Names.	Notices claiming exemption When received.	Remarks.
Allen, John	3rd February, 19	Notice of withdrawal received 1st January, 19 . Disallowed by Court of Revision, 1st June, 19 .
Ardagh, Joseph.....	3rd February, 19	
Ashbridge, Robert..	3rd February, 19	

R.S.O. 1914, c. 270, Form A.

FORM B.

(Section 65.)

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX.

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the said company this (*here insert date*).

R.S., Secretary of the company.

R.S.O. 1914, c. 270, Form B.